

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re the Application

Inventor : Eric Cohen-Solal et al.
Application No. : 09/703,419
Filed : November 1, 2000
For : **METHOD AND APPARATUS FOR TRACKING AN
OBJECT OF INTEREST USING A CAMERA
ASSOCIATED WITH A HAND-HELD PROCESSING
DEVICE**

REPLY BRIEF

On Appeal from Group Art Unit 2612

Date: January 22, 2007

Yan Glickberg
Registration No. 51,742


By: 
Steve Cha
Attorney for Applicant
Registration No. 44,069

TABLE OF CONTENTS

| | <u>Page</u> |
|---|-------------|
| I. REAL PARTY IN INTEREST..... | 3 |
| II. RELATED APPEALS AND INTERFERENCES..... | 3 |
| III. STATUS OF CLAIMS..... | 3 |
| IV. STATUS OF AMENDMENTS..... | 3 |
| V. SUMMARY OF CLAIMED SUBJECT MATTER..... | 3 |
| VI. GROUNDS OF REJECTION TO BE REVIEWED ON | |
| APPEAL..... | 3 |
| VII. ARGUMENT..... | 4 |
| VIII. CONCLUSION | 7 |
| IX. CLAIMS APPENDIX..... | 8 |
| X. EVIDENCE APPENDIX..... | 8 |
| XI. RELATED PROCEEDINGS APPENDIX..... | 8 |

TABLE OF CASES

| | |
|---|------|
| <i>In re Fine</i> , 837 F.2d 1071, 5 USPQ 2d 1596 (Fed. Cir. 1988) | 6, 7 |
|---|------|

I. REAL PARTY IN INTEREST

Reference is made to the Appeal Brief and Examiner's Answer of November 24, 2006.

II. RELATED APPEALS AND INTERFERENCES

Reference is made to the Appeal Brief and Examiner's Answer of November 24, 2006.

III. STATUS OF CLAIMS

Reference is made to the Appeal Brief and Examiner's Answer of November 24, 2006.

IV. STATUS OF AMENDMENTS

Reference is made to the Appeal Brief and Examiner's Answer of November 24, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Reference is made to the Appeal Brief and Examiner's Answer of November 24, 2006.

VI. GROUND FOR REJECTION TO BE REVIEWED ON APPEAL

Reference is made to the Appeal Brief and Examiner's Answer of November 24, 2006 and repeated herein:

1. Claims 1, 4, 6, 10 and 12-15 stand rejected under 35 USC §103(a) as being unpatentable over the combination of Platte in view of Saburi; and
2. Claim 11 stands rejected under 35 USC §103(a) as being unpatentable over Platte in view of Saburi and further in view of Vincent.

VII. ARGUMENT

1. Claims 1, 4, 6, 10 and 12-15 stand rejected under 35 USC §103(a) as being unpatentable over the combination of Platte in view of Saburi.

In response to the arguments provided in the Examiner's Answer of November 24, 2006, Appellant respectfully submits that the Examiner's Answer fails to show that the combination of the cited references discloses all the elements recited in the claims.

The Examiner's Answer maintains the reason for the rejection of the above referred-to claims by repeating that "Platte discloses in figures 2 and 3 a video camera including an acceleration compensation apparatus. Platte mentions that portable ... cameras have a risk of capturing adversely affected images due to inadvertent acceleration of the camera housing. It can be seen in figure 1A that the camera produces a video signal of a target and the target is scanned in only a desired field. Therefore, the camera is provided with a wide field of view. ." (see Answer, page 4, lines 13-19.).

With regard to the Saburi reference, the Answer repeats that "Suaburi discloses in figures 1-3 a portable videophone unit. The portable videophone unit body is provided with a camera for taking images. Captured images may then be transmitted to other devices. Therefore, it would have been obvious ... to integrate the camera including an acceleration compensation apparatus disclosed by Platte into [a] hand-held telephone as disclosed by Saburi." (see Answer, page 5, lines 10-17).

In reply to applicant's arguments presented in applicant's Appeal Brief, dated September 15, 2006, the Answer further states that Platte reads on the features claimed,

in claim 1 for example, as Platte discloses "[i]t can be seen in figures 1A-1C that if the image field located within the target is shifted due to a sudden movement of the camera housing the point (S) for the starting of the raster scanning is corrected so that starting point (S) of the shifted image fields in Figures 1B and 1C is the same as the starting point (S) for the desired image field of figure 1 (col. 2, lines 13-46). Therefore, it can be seen that the camera is continuously electronically adjusted ... (shifting the starting point of S of the raster deflection) in response to the detected relative movement so as to maintain a desired framing (the desired field within the target is being read as the framing) and tracking of the object of interest within an image ... (col. 1, lines 33-67; col. 2, lines 47-col. 4, line 7)." (see Answer, page 9, line 6-18).

Contrary to the assertion that the "desired field" of Platte reads on "framing" of the instant invention, applicant submits that the process of "framing" in photography known to be associated with the positioning of the target object within the field of view. The instant application teaches this concept of framing an image in stating that "[t]he user will typically adjust the camera by moving the hand-held device until the desired object of interest is properly framed within an image signal generated by the camera and displayed to the user ..." (see page 6, lines 16-20). Such framing of the image (zooming in or zooming out, for example) provides the image with a different view of the target object as the target object may dominate the frame in a zooming in case, while in a zooming out case the target object is put into context with, and may be dominated, by the surroundings.

Rather than tracking the image and adjusting the camera to maintain a desired framing, as recited in the claims, Platte discloses compensation of the position of the

target object in the frame due to the movement of the camera so as to maintain the image in focus. That is the relationship of the pixels of the image is maintained with respect of the new starting point. Figures 1A shows the position of the target object while Figures 1B and 1C shown how the starting point of the target image is moved in the field so that the remaining pixels of the image may be correctly positioned within the field of view to compensate for camera movement. Thus, Platte fails to show that the desired framing of the image or target object is maintained.

For at least the above reason, appellant respectfully submits that claim 1 is not rendered obvious over the combination of Platte and Saburi.

Reconsideration and withdrawal of this ground of rejection are respectfully requested.

With regard to independent claims 14 and 15, these claims were rejected for the same reason stated in rejected claim 1. Claims 14 and 15 include subject matter similar to that recited in claim 1. Hence, for the remarks made with regard to claim 1, which are repeated in overcoming the rejection of claims 14 and 15, Applicant respectfully submits that a *prima facie* case of obviousness has not been set forth.

With regard to the dependent claims, these claims depend from the independent claims. Applicant respectfully submits that these claims are allowable at least for their dependence upon allowable base claims, without even contemplating the merits of the dependent claims, as it was held by *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) that if an independent claim is non-obvious under 35 U.S.C. §103(a), then any claim depending therefrom is non-obvious.

**2. Claim 11 stands rejected under 35 USC §103(a) as being unpatentable over
Platte in view of Saburi and further in view of Vincent**

The rejection of claim 11 is in error because the combination of the references fails to show a limitation cited in independent claim 1 from which claim 11 depends.

Claim 11 depends from independent claim 1, which includes subject matter not disclosed by, and allowable over, the combination of Platte and Saburi. Applicant submits that claim 11 is allowable at least for its dependence upon an allowable base claim, without even contemplating the merits of the dependent claim for the reasons held in *In re Fine*, 837 F.2d 1071, 5 USPQ 2d 1596 (Fed. Cir. 1988) (if an independent claim is non-obvious under 35 U.S.C. §103(a), then any claim depending therefrom is non-obvious).

In view of the above, applicant submits that the above referred-to claims are patentable over the teachings of the cited references.

VIII. CONCLUSION

In view of the above analysis, it is respectfully submitted that the combination of the referred to references fails to render obvious the subject matter of any of the present claims. Therefore, reversal of all outstanding grounds of rejection is respectfully solicited.

Respectfully submitted,
Yan Glickberg
Registration No. 51,742

Date: January 22, 2007


By: Steve Cha
Attorney for Applicant
Registration No. 44,069

IX. CLAIMS APPENDIX

Reference is made to the Appeal Brief and Examiner's Answer of November 24, 2006.

X. EVIDENCE APPENDIX

Reference is made to the Appeal Brief and Examiner's Answer of November 24, 2006.

XI. RELATED PROCEEDING APPENDIX

Reference is made to the Appeal Brief and Examiner's Answer of November 24, 2006.